

years after the enactment of such authorizations or declarations; to the Committee on Foreign Relations.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1151

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Accountability for Endless Wars Act of 2023”.

**SEC. 2. TERMINATION OF AUTHORIZATIONS FOR THE USE OF MILITARY FORCE AND DECLARATIONS OF WAR.**

(a) FUTURE AUTHORIZATIONS FOR THE USE OF MILITARY FORCE AND DECLARATIONS OF WAR.—Any authorization for the use of military force or declaration of war enacted into law after the date of the enactment of this Act shall terminate on the date that is 10 years after the date of the enactment of such authorization or declaration.

(b) EXISTING AUTHORIZATIONS FOR THE USE OF MILITARY FORCE AND DECLARATIONS OF WAR.—Any authorization for the use of military force or declaration of war enacted before the date of the enactment of this Act shall terminate on the date that is 6 months after the date of such enactment.

By Mr. DURBIN (for himself, Mr. LEE, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. BOOKER, Ms. WARREN, Mr. SANDERS, Mr. KING, Mr. KAINE, Mr. WICKER, and Mr. MARKEY):

S. 1152. A bill to focus limited Federal resources on the most serious offenders; to the Committee on the Judiciary.

Mr. DURBIN. Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1152

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Smarter Sentencing Act of 2023”.

**SEC. 2. SENTENCING MODIFICATIONS FOR CERTAIN DRUG OFFENSES.**

(a) CONTROLLED SUBSTANCES ACT.—The Controlled Substances Act (21 U.S.C. 801 et seq.) is amended—

(1) in section 102 (21 U.S.C. 802)—

(A) by redesignating paragraph (58) as paragraph (59);

(B) by redesignating the second paragraph (57) (relating to “serious drug felony”) as paragraph (58); and

(C) by adding at the end the following: “(60) The term ‘courier’ means a defendant whose role in the offense was limited to transporting or storing drugs or money.”; and

(2) in section 401(b)(1) (21 U.S.C. 841(b)(1))—

(A) in subparagraph (A), in the flush text following clause (viii)—

(i) by striking “10 years or more” and inserting “5 years or more”; and

(ii) by striking “15 years” and inserting “10 years”; and

(B) in subparagraph (B), in the flush text following clause (viii)—

(i) by striking “5 years” and inserting “2 years”; and

(ii) by striking “not be less than 10 years” and inserting “not be less than 5 years”.

(b) CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.—Section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)) is amended—

(1) in paragraph (1), in the flush text following subparagraph (H)—

(A) by inserting “, other than a person who is a courier,” after “such violation”;

(B) by striking “person commits” and inserting “person, other than a courier, commits”; and

(C) by inserting “If a person who is a courier commits such a violation, the person shall be sentenced to a term of imprisonment of not less than 5 years and not more than life. If a person who is a courier commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final, the person shall be sentenced to a term of imprisonment of not less than 10 years and not more than life.” before “Notwithstanding section 3583”; and

(2) in paragraph (2), in the flush text following subparagraph (H)—

(A) by inserting “, other than a person who is a courier,” after “such violation”;

(B) by striking “person commits” and inserting “person, other than a courier, commits”; and

(C) by inserting “If a person who is a courier commits such a violation, the person shall be sentenced to a term of imprisonment of not less than 2 years and not more than life. If a person who is a courier commits such a violation after a prior conviction for a serious drug felony or serious violent felony has become final, the person shall be sentenced to a term of imprisonment of not less than 5 years and not more than life.” before “Notwithstanding section 3583”.

(c) APPLICABILITY TO PENDING AND PAST CASES.—

(1) DEFINITION.—In this subsection, the term “covered offense” means a violation of a Federal criminal statute, the statutory penalties for which were modified by this section.

(2) PENDING CASES.—This section, and the amendments made by this section, shall apply to any sentence imposed after the date of enactment of this Act, regardless of when the offense was committed.

(3) PAST CASES.—In the case of a defendant who, before the date of enactment of this Act, was convicted or sentenced for a covered offense, the sentencing court may, on motion of the defendant, the Bureau of Prisons, the attorney for the Government, or on its own motion, impose a reduced sentence after considering the factors set forth in section 3553(a) of title 18, United States Code.

**SEC. 3. DIRECTIVE TO THE SENTENCING COMMISSION.**

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense under section 401 of the Controlled Substances Act (21 U.S.C. 841) or section 1010 of the Controlled Substances Import and Export Act (21 U.S.C. 960) to ensure that the guidelines and policy statements are consistent with the amendments made by section 2 of this Act.

(b) CONSIDERATIONS.—In carrying out this section, the United States Sentencing Commission shall consider—

(1) the mandate of the United States Sentencing Commission, under section 994(g) of title 28, United States Code, to formulate the sentencing guidelines in such a way as to

“minimize the likelihood that the Federal prison population will exceed the capacity of the Federal prisons”;

(2) the findings and conclusions of the United States Sentencing Commission in its October 2011 report to Congress entitled, Mandatory Minimum Penalties in the Federal Criminal Justice System;

(3) the fiscal implications of any amendments or revisions to the sentencing guidelines or policy statements made by the United States Sentencing Commission;

(4) the relevant public safety concerns involved in the considerations before the United States Sentencing Commission;

(5) the intent of Congress that penalties for violent, repeat, and serious drug traffickers who present public safety risks remain appropriately severe; and

(6) the need to reduce and prevent racial disparities in Federal sentencing.

(c) EMERGENCY AUTHORITY.—The United States Sentencing Commission shall—

(1) promulgate the guidelines, policy statements, or amendments provided for in this Act as soon as practicable, and in any event not later than 120 days after the date of enactment of this Act, in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note), as though the authority under that Act had not expired; and

(2) pursuant to the emergency authority provided under paragraph (1), make such conforming amendments to the Federal sentencing guidelines as the Commission determines necessary to achieve consistency with other guideline provisions and applicable law.

**SEC. 4. REPORT BY ATTORNEY GENERAL.**

Not later than 6 months after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report outlining how the reduced expenditures on Federal corrections and the cost savings resulting from this Act will be used to help reduce overcrowding in the Federal Bureau of Prisons, help increase proper investment in law enforcement and crime prevention, and help reduce criminal recidivism, thereby increasing the effectiveness of Federal criminal justice spending.

**SEC. 5. REPORT ON FEDERAL CRIMINAL OFFENSES.**

(a) DEFINITIONS.—In this section—

(1) the term “criminal regulatory offense” means a Federal regulation that is enforceable by a criminal penalty; and

(2) the term “criminal statutory offense” means a criminal offense under a Federal statute.

(b) REPORT ON CRIMINAL STATUTORY OFFENSES.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report, which shall include—

(1) a list of all criminal statutory offenses, including a list of the elements for each criminal statutory offense; and

(2) for each criminal statutory offense listed under paragraph (1)—

(A) the potential criminal penalty for the criminal statutory offense;

(B) the number of prosecutions for the criminal statutory offense brought by the Department of Justice each year for the 15-year period preceding the date of enactment of this Act; and

(C) the mens rea requirement for the criminal statutory offense.

(c) REPORT ON CRIMINAL REGULATORY OFFENSES.—

(1) REPORTS.—Not later than 1 year after the date of enactment of this Act, the head

of each Federal agency described in paragraph (2) shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report, which shall include—

(A) a list of all criminal regulatory offenses enforceable by the agency; and

(B) for each criminal regulatory offense listed under subparagraph (A)—

(i) the potential criminal penalty for a violation of the criminal regulatory offense;

(ii) the number of violations of the criminal regulatory offense referred to the Department of Justice for prosecution in each of the years during the 15-year period preceding the date of enactment of this Act; and

(iii) the mens rea requirement for the criminal regulatory offense.

(2) AGENCIES DESCRIBED.—The Federal agencies described in this paragraph are the Department of Agriculture, the Department of Commerce, the Department of Education, the Department of Energy, the Department of Health and Human Services, the Department of Homeland Security, the Department of Housing and Urban Development, the Department of the Interior, the Department of Labor, the Department of Transportation, the Department of the Treasury, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Equal Employment Opportunity Commission, the Export-Import Bank of the United States, the Farm Credit Administration, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Election Commission, the Federal Labor Relations Authority, the Federal Maritime Commission, the Federal Mine Safety and Health Review Commission, the Federal Trade Commission, the National Labor Relations Board, the National Transportation Safety Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Office of Congressional Workplace Rights, the Postal Regulatory Commission, the Securities and Exchange Commission, the Securities Investor Protection Corporation, the Environmental Protection Agency, the Small Business Administration, the Federal Housing Finance Agency, and the Office of Government Ethics.

(d) INDEX.—Not later than 2 years after the date of enactment of this Act—

(1) the Attorney General shall establish a publicly accessible index of each criminal statutory offense listed in the report required under subsection (b) and make the index available and freely accessible on the website of the Department of Justice; and

(2) the head of each agency described in subsection (c)(2) shall establish a publicly accessible index of each criminal regulatory offense listed in the report required under subsection (c)(1) and make the index available and freely accessible on the website of the agency.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require or authorize appropriations.

#### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 139—RECOGNIZING THE CRITICAL ROLE THAT PEPFAR HAS PLAYED IN THE GLOBAL FIGHT AGAINST HIV/AIDS

Mr. GRAHAM (for himself, Mr. BOOZMAN, Mr. COONS, and Mr. VAN HOLLEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

#### S. RES. 139

Whereas the President's Emergency Plan for AIDS Relief (referred to in this preamble as "PEPFAR"), launched 20 years ago by President George W. Bush and supported by every President and Congress since, has proven to be one of the most successful health programs in modern history;

Whereas private organizations, including the ONE Campaign and the Elton John AIDS Foundation, like many others, have been indispensable partners in supporting PEPFAR and advancing its causes;

Whereas PEPFAR has been a critical tool in the global fight against HIV/AIDS, providing vital resources and support to countries most affected by the HIV/AIDS epidemic and saving more than 25,000,000 lives;

Whereas PEPFAR has supported HIV/AIDS prevention, treatment, and care programs in more than 50 countries and currently provides life-saving antiretroviral treatment to 20,100,000 individuals;

Whereas, since 2010, PEPFAR has achieved a 50 percent reduction in new HIV cases in young women between 15 and 24 years of age and a 65 percent reduction in new HIV cases in young men between 15 and 24 years of age;

Whereas PEPFAR has contributed to progress in reducing mother-to-child transmission of HIV, with more than 5,500,000 babies born HIV-free to mothers who have HIV and who received antiretroviral medication through PEPFAR-supported programs;

Whereas, as of September 30, 2022, 1,500,000 individuals are receiving antiretroviral pre-exposure prophylaxis (referred to in this clause as "PrEP") to prevent HIV infection, and access to PrEP programs must be expanded;

Whereas PEPFAR has supported the expansion of HIV/AIDS services for children, adolescents, and young people, including for the more than 1,500,000 children receiving HIV treatment through PEPFAR-supported programs;

Whereas PEPFAR has dramatically reduced the stigma and discrimination associated with HIV/AIDS;

Whereas PEPFAR prioritizes reaching adolescent girls and young women, who are disproportionately affected by HIV/AIDS in sub-Saharan Africa, through the Determined, Resilient, Empowered, AIDS-free, Mentored, and Safe program (commonly known as "DREAMS"), which has assisted more than 1,600,000 adolescent girls and young women with HIV prevention services;

Whereas PEPFAR has been a key partner in the global COVID-19 response, supporting the delivery of essential HIV/AIDS services and strengthening health systems to ensure continuity of care, including by delivering more than 60,000,000 doses of the COVID-19 vaccine in sub-Saharan Africa; and

Whereas challenges in combating HIV/AIDS, particularly in sub-Saharan Africa, remain and will not be overcome without continued PEPFAR support: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the critical role that the President's Emergency Plan for AIDS Relief (referred to in this resolution as "PEPFAR") has played in the global fight against HIV/AIDS;

(2) applauds the successes and accomplishments of PEPFAR to date; and

(3) urges continued funding and support for PEPFAR to help achieve the goal of ending HIV/AIDS as a public health threat by 2030.

#### SENATE RESOLUTION 140—COMMEMORATING 200 YEARS OF OFFICIAL RELATIONS BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHILE

Mr. MENENDEZ (for himself, Mr. KAINE, Mr. HAGERTY, and Mr. MURPHY) submitted the following resolution; which was referred to the Committee on Foreign Relations:

#### S. RES. 140

Whereas January 2023 marked two centuries of bilateral relations between the United States of America and the Republic of Chile;

Whereas the United States established official relations with Chile on January 27, 1823, when the Senate confirmed the appointment of Heman Allen as the first United States Minister Plenipotentiary and Envoy Extraordinary to Chile;

Whereas the United States legation in Santiago, Chile, was elevated to embassy status on October 1, 1914;

Whereas Chile is one of the strongest partners of the United States in Latin America, with a partnership grounded in mutual respect, shared democratic values, the defense of human rights, and the pursuit of economic prosperity and shared security interests;

Whereas the United States and Chile have historically enjoyed strong commercial and investment ties, and, on January 1, 2004, the United States-Chile Free Trade Agreement entered into force and further contributed to economic growth for the people of the United States and Chile;

Whereas, in 1955, Chile was the first country in Latin America to establish a bilateral Fulbright Commission for academic exchange of knowledge and expertise;

Whereas Chile was the first South American country to join the Organization for Economic Cooperation and Development in 2010;

Whereas the bilateral relationship between the United States and Chile has contributed to tourism in both countries, including through the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), of which Chile is the only Latin American participant;

Whereas the United States and Chile collaborate regularly on efforts to promote democracy, human rights, security, and development, including through the High-Level Bilateral Political Consultative Mechanism, and the U.S.-Chile Defense Consultative Committee;

Whereas Chile and the United States have a long history of strong cooperation on science and technology, including the more than \$800,000,000 in funding contributed by the National Science Foundation to the Atacama Large Millimeter/submillimeter Array;

Whereas the National Science Foundation has collaborated with the Government of Chile toward the advancement of research in the Antarctic region through the United States Antarctica Program and the Chilean Antarctic Institute;

Whereas the United States and Chile have strong cooperation on the development of critical minerals and renewable energy, and Chile stands out as a global leader in renewable energy, with renewable energy accounting for approximately 59 percent of the installed electricity capacity in Chile;

Whereas the United States and Chile collaborate on environmental stewardship and conservation matters, and the Government of Chile led the establishment of the Americas for the Protection of the Ocean coalition